

Service Date: May 15, 1980

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

* * *

IN THE MATTER of the Application)
of the CITY OF HELENA To Increase)
Sewer Rates.)
_____)

DOCKET NO. 6811
INTERIM ORDER NO. 4648

FINDINGS OF FACT

1. On March 31, 1980, the CITY OF HELENA (Applicant) filed an application for authority to increase sewer rates, on a permanent basis, by 53.3%, equaling a revenue increase of approximately \$301,879.

2. Concurrent with the filing of the permanent application for increased rates, the City filed an application for an interim increase in rates of 40%, equaling a revenue increase of approximately \$226,551 or approximately 75% of the proposed permanent increase.

3. The City alleges the proposed interim increase in rates is necessary to offset increased costs of operation, to defray costs incurred in complying with orders issued by the Montana Department of Health and Environmental Sciences (DHES) and the Environmental Protection Agency (EPA), to provide monies for equipment and vehicle replacement program and to recover deficits incurred by the Sewer Department.

4. The Commission's examination of the City's filing indicates that all cost items outlined by the City with the exception of costs associated with compliance with the orders issued by DHES and EPA are cost items that should be addressed in the public hearing on the permanent application.

5. The City's exhibits indicate an interim annual revenue increase of \$92,355 is necessary to implement the program which will bring the City into compliance under the orders issued by DHES and EPA.

6. The Commission finds that in order to generate approximately \$92,355 on an annual basis the City will need to increase its present rates by 16.3%.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over parties and the subject matter in this proceeding.
2. The Commission may, in its discretion, temporarily approve increases pending a hearing or final action. If the final action is to disapprove the increase, the Commission shall order a rebate to all consumers for the amount collected retroactive to the date of the temporary approval, 69-3-304, MCA.
3. The application for a permanent increase will be noticed for a hearing at a later date.

ORDER

1. IT IS HEREBY ORDERED that Applicant file tariff schedules spreading the increased revenues as a flat percentage increase to each of the existing customer classifications consistent with Finding of Fact No. 6.
2. The effective date shall be for sewer service rendered on and after May 12, 1980.
3. The increase granted herein is subject to rebate should the final order in this docket determine that a lesser amount than authorized by this order is required.
4. In the event a rebate is directed by the final order in this docket, provision shall be made in that order to cause all uncollected rebates to be escheated to the State of Montana in the manner provided by law.

DONE IN OPEN SESSION this 12th day of May, 1980, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

Gordon E. Bollinger, Chairman

Clyde Jarvis, Commissioner

Thomas J. Schneider, Commissioner

James R. Shea, Commissioner

George Turman, Commissioner

ATTEST:

Madeline L. Cottrill
Secretary

(SEAL)

NOTE: You may be entitled to judicial review of the final decision in the matter. If no Motion for Reconsideration is filed, judicial review may be obtained by filing a petition for review within thirty (30) days from the service of the order. If a Motion for Reconsideration is filed, a Commission order is final for purpose of appeal upon the entry of a ruling on that motion, or upon the passage of ten (10) days following the filing of that motion. cf. the Montana Administrative Procedure Act, esp. Sec. 2-4-702, MCA; and Commission Rules of Practice and Procedure, esp. 38-2.2(64)-P2750, ARM.